November 2012

British Red Cross Society submission to the:

“Inquiry into Asylum Support for Children and Young People”

We welcome the opportunity to contribute to this inquiry, and would like to submit the following written evidence in addition to the oral evidence provided on November 20th 2012.

Background on the British Red Cross Society

1. The British Red Cross Society (BRCS) helps people in crisis, whoever and wherever they are. We are part of a global network that responds to conflicts, natural disasters and individual emergencies. We enable vulnerable people in the UK and abroad to prepare for and withstand emergencies in their own communities, and when the crisis is over we help them to recover and move on with their lives.

2. The British Red Cross is part of the International Red Cross and Red Crescent Movement, which comprises:
   
   2.1. The International Committee of the Red Cross
   
   2.2. The International Federation of Red Cross and Red Crescent Societies, and
   
   2.3. 183 National Red Cross and Red Crescent Societies worldwide.

3. As a member of the Red Cross and Red Crescent Movement, the British Red Cross is committed to, and bound by, its Fundamental Principles. These are: humanity, impartiality, neutrality, independence, voluntary service, unity and universality.

4. The British Red Cross helps vulnerable asylum seekers and refugees access essential services and adjust to life in a new country.

5. An increasing number of the people we assist are destitute. With no means to support themselves, many have nowhere else to turn for help. The Red Cross has provided emergency help, such as food parcels and vouchers, warm clothing and sleeping bags to destitute asylum seekers either directly or with partner agencies. We have a humanitarian duty to provide help impartially and according to need, regardless of nationality or immigration status, and to protect human life and dignity.

6. We estimate that last year, we helped refugees and asylum seekers on 90,000 occasions.
7. We are deeply concerned about the provision of asylum support, because we are spending over £500,000 a year assisting asylum seekers who have become destitute as a result of gaps in provision – at all stages of the asylum process. We estimate that we assist 10,000 cases a year, of which about 20% (2,000) are families. We believe that difficulties accessing asylum support, as well as the level of provision – particularly at the end of the asylum process, have a significant impact on the well being of children at the end of the process – particularly where the first child has been born after appeal rights have been exhausted.

8. Providing this support has a significant impact on our resources, and we believe the Government has a humanitarian obligation to meet this need by ensuring that asylum seekers are able to access appropriate levels of asylum support at all stages of the process.

Response of the British Red Cross Society to the Inquiry:

We have only responded to those questions which fall within our area of expertise – other agencies are better placed to answer broader questions relating to the long term impact of poverty on child development.

2. The government's stated objective for the asylum support system is that it provides for the ‘essential living needs’ of those who would otherwise be destitute. In your view is this currently the case and please explain your reasoning with references to any evidence or examples.

The BRCS do not normally provide emergency support to asylum seekers in receipt of support from the UKBA, as we need to focus our limited resources on assisting the most vulnerable (those with no support at all). However our projects do see significant numbers of supported families who ask us for additional support because the support they are receiving is insufficient, and we know that many supported asylum seekers are accessing charitable provision from the day centres and food banks we work with because provision under section 95, and especially section 4 is not sufficient.

It is not clear what the definition of ‘essential living needs’ is, and the BRCS would welcome a clear and transparent government position on what it considers ‘essential living needs’ to be. When asylum support rates under section 95 were originally set they were set at 70% of Income Support (IS), which is the minimum level of support available to anyone entitled to mainstream benefits (e.g. British and EU citizens, refugees). The justification given for the 30% reduction was the temporary nature of asylum support, and the fact that utilities were paid for with the provision of accommodation. The BRCS accepts that a deduction from IS levels to account for utilities is reasonable. However it is not clear why the temporary nature of asylum support justifies a further deduction. Furthermore, our experience is that the asylum process is often far from temporary and
can last for considerable periods of time beyond the point when appeal rights have been exhausted, and we know of some families that have been receiving asylum support for years.

In recent years the government’s failure to increase asylum support in line with inflation has further eroded the amount of support provided in real terms; if this policy continues then asylum seekers will be being expected to live on an increasingly small proportion of what is considered to be the essential living needs of their counterparts in receipt of mainstream benefits. The Children’s Society briefing “Highlighting the gap between asylum support and mainstream benefits” shows that in some cases the proportion is already below 50% (a lone parent with a child under 16)\(^1\)

The BRCS are particularly concerned about provision for families at the end of the asylum process, where the first child was born after appeal rights have been exhausted. Section 95 support is provided in cash, and is set at a considerably higher rate than section 4 which is only available via the Azure card (which imposes considerable limitations on the way the support can be spent, see Question 12). The reason that section 95 support is provided even after an appeal has been dismissed is because the government recognised it has a duty to look after the welfare of the child even after an asylum appeal has been dismissed – however this recognition has not been extended to families started after an appeal has been refused, yet the obligation to the child is exactly the same. Section 4 support is the only form of support available for these families, it is set at lower rate and is much more restrictive and was not intended for families (as it was presumed that families with children would be able to access section 95 provision).

The BRCS frequently see single mothers who have survived as destitute for prolonged periods after their appeal rights have been exhausted, but whose previous support arrangements have fallen through when they become pregnant. It is not unusual for expectant mothers to find themselves made homeless precisely because they are about to have a baby, and their hosts feel unable to accommodate them because of the extra demands and pressures. A lone mother with one child under 6 months on section 4 support will only receive £80.78 on her Azure card – significantly less than the £101.90 she would have received in cash under section 95, and only 55% of what someone entitled to mainstream benefits would receive (£147.23)

The BRCS are concerned that parents with very young children can not always afford basic essentials like nappies, milk and clothes. And safeguarding concerns have been raised by our staff and volunteers who work with these vulnerable families.

The BRCS children and young people safeguarding policy and procedures promote children’s welfare and provide protection from abuse. It is applied to all children without discrimination. Our trained staff and volunteers across all our services file a report whenever they come into contact with children they are concerned about. A disproportionate number of these concerns relate to asylum seeking children – last year 156 causes for concern were raised across all of our services (most of which are not specifically aimed at asylum seekers), of these 40% (63) related to asylum seeking

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\(^1\) A briefing from the Children’s Society Highlighting the gap between asylum support and mainstream Benefits
children and young people, of which 19 (30%) were children in families that were destitute.

Pregnant women are also a significant concern. Women who become pregnant after being made destitute are often unable to access support until they reach a point where they cannot be removed from the UK - this is currently around 7 months pregnant. We see a high number of pregnant women who to not obtain support and therefore spend most of their pregnancy completely destitute. It falls onto local government and the local community to provide support which is variable and unreliable. The lack of support significantly impacts the ability of women to have a healthy pregnancy throughout the asylum system. They have additional dietary requirements which are difficult to meet within the already reduced levels of support available, much less on no support at all. Furthermore, women at the end of the asylum process sometimes face barriers to accessing ante-natal care, and in some cases have been asked to pay for their treatment.

Travel expenses to reporting centres, solicitor appointments, shops that accept the Azure card, hospital/GP appointments, day centres and food banks – amount to a significant additional cost that it is impossible to meet out of a budget that barely covers food.

3. Are the current levels of support provided to asylum seeking children and families adequate in meeting the needs of children and young people? Please explain your reasoning.

See above – there is a considerable shortfall between the support available to a family living on section 4, and a family on mainstream benefits, which makes it much more difficult to meet the needs of children. As well basic requirements for food and toiletries children have additional clothing needs; families with small children are unable to afford more expensive items such as cots and prams.

The inability to provide small gifts such as toys and sweets for their children is a significant source of distress for parents on asylum support, and our beneficiaries frequently report feelings of inadequacy and regret at not being able to supply these for their children. These feelings are exacerbated by the children becoming increasingly aware that ‘they are different’ because they don’t have things that their peers take for granted.

The financial difficulties supporting children can be mitigated where there is an unambiguous entitlement to additional educational support for school meals, uniforms, trips and materials; though there can be some confusion about entitlement in cases where families are receiving section 4 support, or no support at all. We know that some parents feel inadequate when they cannot meet requests for contributions to school trips, or school fundraising initiatives.
4. Is the accommodation provided to asylum-seeking families effective in keeping children safe and promoting their welfare?

Our beneficiaries frequently raise concerns about being in over-crowded and poorly maintained accommodation, and of children sharing rooms with their mothers. We are frequently told that accommodation is damp or dirty, is inadequately maintained, and that furnishings are in poor condition – e.g. worn mattresses with protruding springs with no protective covering, unstable furniture, dirty carpets, damp walls, bad smells.

Of particular concern are reports of contractors entering properties unannounced to carry out maintenance work and inspections, consequently families do feel safe or ‘at home’ in their accommodation as they fear interruption at any time.

In some areas asylum accommodation is easily identifiable, which creates a risk of stigmatisation.

Little attention is paid to children’s needs when providing accommodation, and families are frequently expected to move to alternative accommodation at all stages of the process; this can be extremely disruptive for the children’s education and gives them little opportunity to settle down in a school. The only attempt to avoid this disruption is in an exam year.

6. Does the current system have any impact on children’s long term outcomes and opportunities in the future?

For most children and young people getting an education, learning new skills and achieving provide a sense of stability, self worth and reduced isolation and opportunities in the future - thus contributing to alleviating trauma and improving individual health and social well-being. As mentioned in response to Question 4, The BRCS experience with asylum seeking families is that frequent moving is extremely disruptive for children in school, who frequently have to change schools and settle into a new environment and make new friends, with no guarantee that they won’t have to repeat the process in the near future because of changes in accommodation provision.

Attending school builds an individual’s resilience, gives them the skills they need to reach their full potential and work towards their aspirations. The degree to which the current asylum support system disrupts education will inevitably have a long term impact on a child’s future opportunities.

7. How does the current support system affect families where there is a child or parent with a disability?

No additional provision is available for families with disabled children and/or parents, which further widens the disparity between what is available to asylum seeking families and their counterparts on mainstream benefits.

As mentioned earlier, a considerable amount of asylum support already needs to be spent in meeting travel costs to attend legal appointments, reporting centres, hospital/gp
appointments. In cases of disabled claimants who may have mobility problems there is no additional support available to meet such costs, and where section 4 is the only support available in the form of an Azure card, disabled claimants have no way of meeting travel expenses.

8. Are there any other circumstances where children may be particularly adversely affected by the levels of asylum support?
In many respects the issues faced by children in asylum seeking families are similar to those of any child affected by extreme poverty; however, there are circumstances which are particular to the experience of asylum seeking families that are not usually such a consideration for children in British families.

Language barriers further compound the barriers faced by asylum seeking families trying to access support and other services, particularly if they are granted leave to remain and have to apply for mainstream benefits, where communication processes make an already difficult bureaucratic process even harder to engage with.

Asylum seeking families are especially isolated, and do not have a wider social network which may be able to provide additional support. Even in those cases where they have been in the UK for long enough to develop such networks, they find themselves cut off from them when they have to move away into UKBA provided accommodation.

9. What is the impact on children and parents of the fact that parents are not allowed to work?
Parents frequently tell us that they feel demeaned by their inability to work, and that they wish they could set an example to their children by working. The prohibition on working can also create internal pressures within families, and in some cases can be a contributing factor to family break up.

10. Are there any concerns about the current administration of the asylum support system with relation to children?
Much of our destitution provision is for families that should be receiving some form of support, but have been unable to access it due to administrative delays, particularly with families applying for section 4 support.

A significant cause of destitution amongst families occurs at the point where they are granted status. About 30% of the cases we see are experiencing significant delays in accessing benefits after they have received some form of leave to remain. It commonly takes 6-8 weeks, or in extreme cases up to 3 months for benefits to come through. During this period families face prolonged periods of destitution during which we have to provide basic emergency support. The reasons for delays are very varied, and originate from two different 'sectors', the UKBA, and the DWP.
UKBA - Administrative delays/omissions in issuing all the documents necessary to access DWP support. In principle it should be possible to administer a claim without these documents but this is not usually understood by DWP staff.

DWP - The most common causes include delays getting National Insurance Numbers (in theory it should be possible to access benefits whilst waiting for an NI number to come through, but in practice this is very difficult), beneficiaries being given delayed appointments pending the appointment of an interpreter, repeated requests for documentation at successive appointments, misunderstandings and miscommunication due to language difficulties (benefits agencies do not usually provide interpreters), and obstructiveness by individual agency staff. We have been told by staff at the DWP that they have been instructed that "if in doubt, refuse", which has led to a generally hostile climate for claimants. Also of particular concern is DWP staff advising claimants that they should not make a claim until their UKBA support is cut off. This practice entirely defeats the purpose of the UKBA's 28 day notice period, which is supposed to give successful asylum seekers enough time to submit a claim.

11. How often do you see families with no financial support whatsoever?
As mentioned previously, the focus of the BRCS's destitution work is on assisting individuals with no access to any financial support, and we frequently see families with no support at all.

The inquiry should note that a sizeable proportion of the destitute families we see are vulnerable migrants who have never claimed asylum (e.g. victims of domestic violence, visa over-stayers, irregular migrants and victims of trafficking). Families where one or both parents have No Recourse to Public Funds (NRPF) frequently find themselves destitute with no means of supporting themselves. In these cases it is the local authority’s responsibility to provide support, but our experience is that the response is very variable, and that there is a lot of confusion over obligations. In some cases the authority will only offer assistance to facilitate return (e.g. temporary accommodation, and a plane ticket home), and families that do not wish to return are reluctant to avail themselves of this. Similarly asylum seeking families that still fear being returned but have been refused asylum will also be reluctant to apply for section 4 support as they fear being returned, so rather than face removal they opt to go ‘underground’.

The BRCS appreciates that this is not an easy group for which to find policy solutions, and we accept that the government has a right to control is borders, and to remove asylum seekers and other vulnerable migrants who have not been granted protection. However, there is a significant gap in welfare provision for this population which exposes children in such families to serious risks to their health and well being since their parents are unable to work legally or access any form of welfare provision – they face absolute destitution, rather than the relative destitution experienced by those in receipt of some support.
12. Are there any concerns about the use of the Azure payment card in relation to children?

The Azure card is an inefficient and ineffective way of providing support. It can only be used in a small number of shops, and cannot be used in markets or budget supermarkets (e.g. Lidl). As mentioned earlier, asylum seekers need to pay travel costs to travel to reporting centres, solicitor appointments, shops that accept the Azure card, hospital/GP appointments, day centres and food banks – these costs cannot be met with an Azure card which is not accepted on public transport.

Our service users frequently tell us that they feel extreme embarrassment when using the Azure card. We often hear of embarrassment in shop queues when staff don’t understand how to process the card, and the card user has to explain how it works. This is an awkward experience, especially when payment is delayed and asylum seekers are in a queue. Having to reveal that they are asylum seekers can also be very uncomfortable because of the stigma attached.

Recipients of section 4 support have also reported considerable technical problems using the card. For example, in some cases where a transaction is cancelled due to a technical error, the transaction value is still deducted from the balance of the card – and it can take some time for such mistakes to be rectified leaving people destitute in the mean time.

These problems are further compounded by the fact that in the unlikely event that a family are able to save a small amount of money each week, they are not allowed to carry over more than £5 of their weekly allocation. This prevents them from gradually accumulating a surplus that could be spent on larger purchases.

13. Do you think there are any adverse effects of increasing asylum support levels for children and families? Would greater levels of support attract greater numbers of asylum seekers or migrants?

The experience of the BRCS is that families have very limited understanding of their entitlements when they arrive in the UK, and that they would much prefer to work to support themselves. We do not believe that providing enough support to meet essential living needs would attract more migrants. Furthermore, the fear of creating such a ‘pull factor’ should not deter the government from meeting its humanitarian obligations to the children affected by destitution.

**Additional comments:**

The BRCS has focused on submitting evidence about children in families, and asylum support provision.

However, there are specific concerns over the level of support for age disputed children. Currently age disputed children are treated as an adult within the asylum system. This
currently means that they are treated as adults until they successfully can legally challenge their date of birth.

Currently an unaccompanied asylum seeking child (UASC) is provided support via the Local Authority. It is our understanding that the Local Authority issues cash to the beneficiary, and then claim it back from UKBA. However this support rate is significantly higher than the standard asylum support rate, (usually on a par with support rates available on mainstream benefits). This means that assessing the correct age has a significant impact on levels of asylum support. However the age assessment process is not particularly affective.

Currently within our Chrysalis programme for young people between September 2011 and September 2012 16% of the participants (8/50 beneficiaries) had a dispute over their age. They are treated as over 18 and treated as an adult where they present us with significant support requirements that are not currently being met. This has led to safeguarding concerns, particularly where children are being placed in accommodation with adults.

In a number of cases the young people have successfully challenged their age and been identified as a child, however throughout the disputed period they have not received appropriate support.

Recommendations:

Asylum support rates should be pegged to the minimum levels of support available to anyone who is entitled to mainstream benefits, with reasonable deductions to allow for the fact that asylum seekers do not have to meet the costs of utilities. There is no reason to think that the essential living needs of an asylum seeker are any different from those of an EU national, or any other individual with leave to remain that entitles them to mainstream benefits. Where benefits are increased to accommodate increases in the cost of living, this increase should also be applied to asylum support.

The BRCS welcomes the existing government policy of continuing to provide cash support for families under section 95 until they are either removed or granted leave to remain. However, this policy is not applied to families at the end of the asylum process, where the first child is born after appeal rights have been exhausted, and these families are expected to survive on Section 4 support - a significantly lower rate of support which is also cashless, and has to be accessed using the Azure card. Families in this situation should be able to access section 95 support on the same terms as families with children that were born before their appeal rights became exhausted.

In general cashless support under section 4 is stigmatising and inefficient. There is no need to have a parallel system of support for those at the end of the asylum process – section 4 support should be cash based and provided at the same level as section 95.

Contracts with accommodation providers need to be properly monitored to ensure that their accommodation meets the standards expected by the UKBA. Providers should also
be reminded that it is not appropriate for their staff to enter inhabited accommodation unannounced. Asylum seeker accommodation should not be easily identifiable as this is stigmatising and may invite harassment.

The DWPs policy with respect to newly granted asylum seeking families needs to be much more widely understood and implemented - the delays we encounter would not happen if their policies were properly adhered to. It should also be impressed upon DWP staff that they must process a claim as soon as it is made and not advise claimants to wait until their UKBA support is cut off before making a claim. The transition between UKBA support and DWP support should also be much smoother - the trigger for UKBA support being cut off should be the commencement of DWP support. (not automatically after 28 days, as is the case now). This would prevent destitution during transition periods.

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